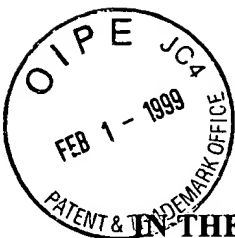


part of  
#6



PATENT  
ATTORNEY DOCKET NO.: 44525-5001-01

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Philip E. SILKOFF et al.

Application No.: 08/827,703

Filed: April 9, 1997

For: METHOD AND APPARATUS  
FOR THE MEASUREMENT OF  
COMPONENTS OF EXHALED  
BREATH IN HUMANS

Group Art Unit: 3735

Examiner: J. F. Weiss

Assistant Commissioner for Patents  
Washington, D.C. 20231

**RECEIVED**

FEB 02 1999

TECHNOLOGY CENTER 3700

**AMENDMENT TRANSMITTAL FORM**

1. Transmitted herewith is an Amendment responding to the Office Action dated September 1, 1998.
2. Additional papers enclosed:
  - ☒ Terminal Disclaimer to Obviate a Double Patenting Rejection Over a Prior Patent
  - ☐ Drawings: ☐ Formal
  - ☐ Information Disclosure Statement
  - ☐ Form PTO-1449, ☐ references included
  - ☐ Citations
  - ☐ Declaration of Biological Deposit
  - ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

☐ Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicants have inadvertently overlooked the need for a petition and fee for extension of time.

☒ Applicants petition for an extension of time, the fees for which are set out in 37 CFR 1.17(a)-(d), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input checked="" type="checkbox"/> two months	380.00	190.00
<input type="checkbox"/> three months	870.00	435.00
<input type="checkbox"/> four months	1,360.00	680.00

Extension of time fee due with this request: \$380.00

☒ If an additional extension of time is required, please consider this a Petition therefor.

☐ An extension for \_\_ months has already been secured and the fee paid therefor of \$ \_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

## 4. Fee Calculation

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims	23	minus	20	3	x \$ 18.00 each =	+ \$ 54.00
Independent Claims	2	minus	3	0	x \$ 78.00 each =	+ \$ 0.00
<input type="checkbox"/> First presentation of Multiple dependent claim(s)					\$ 260.00	+ \$ 0.00
SUBTOTAL						= \$ 54.00
Reduction by ½ for filing by a small entity						- \$ 0.00
TOTAL FEE						= \$ 54.00

5. Fee Payment

☐ No fee is to be paid at this time.

☒ The Commissioner is hereby authorized to charge the amounts of \$54.00 for additional claims; \$380.00 for a two-month extension of time; and, \$110.00 for the Terminal Disclaimer to Deposit Account No. 50-0310. The Commissioner is hereby authorized to charge any additional extension of time fee or additional fee for claims due to Deposit Account No. 50-0310.

☒ The Commissioner is hereby authorized to charge any fees including fees due under 37 CFR § 1.16 and § 1.17 which may be required, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

Dated: February 1, 1999

By: Reid G. Adler  
Reid G. Adler  
Reg. No. 30,988

MORGAN, LEWIS & BOCKIUS LLP  
1800 M Street, N.W.  
Washington, D.C. 20036-5869  
(202) 467-7000

RG/DAB/slm